

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

TYRONE HAMPTON,

Plaintiff,

v.

EARL L. HOUSER,

Defendant.

Case No. 3:22-cv-00245-SLG

ORDER RE REPORT AND RECOMMENDATION TO DISMISS PETITION

Before the Court at Docket 1 is self-represented prisoner Tyrone Hampton's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. This matter was referred to the Honorable Magistrate Judge Kyle F. Reardon. At Docket 4, Judge Reardon issued his Report and Recommendation to Dismiss Petition, in which he recommended that the motion be dismissed because Mr. Hampton is no longer a pre-trial detainee pursuant to Case No. 3PA-22-00694 and no longer faces an alleged injury to his speedy trial rights that can be remedied with a favorable judicial decision, thereby making his petition moot. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is to "make a de novo determination of those portions of the magistrate judge's report or specified

¹ 28 U.S.C. § 636(b)(1).

proposed findings or recommendations to which objection is made.”² However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”³

The magistrate judge recommended that the Court dismiss the Petition for Writ of Habeas Corpus. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation in its entirety, and IT IS ORDERED that the Petition for a Writ of Habeas Corpus is DISMISSED. The Clerk of Court is directed to enter a final judgment in this matter. A Certificate of Appealability shall not issue, as the Court finds that Mr. Hampton has not made the requisite substantial showing of the denial of a constitutional right.⁴

DATED this 5th day of April, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

² *Id.*

³ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

⁴ *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (certificate of appealability may be granted only if applicant made “substantial showing of the denial of a constitutional right,” *i.e.*, showing that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further” (internal quotations and citations omitted)).